

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2005 JUL -5 AM 11:36

PEDRO A. RODRIGUEZ,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 04-958-KAJ
)	
FCM OR FIRST CORRECTIONAL)	
MEDICAL, and THE DELAWARE)	
DEPT. OF CORRECTIONS,)	
)	
Defendants.)	

ORDER

WHEREAS, on October 25, 2004, this Court entered an order granting leave to proceed in forma pauperis and requiring the plaintiff to complete and return an authorization form (D.I. 6);

WHEREAS, the authorization form was to be filed within thirty (30) days from the date the order was sent or the case would be dismissed;

WHEREAS, on December 13, 2004, this Court dismissed the plaintiff's complaint because the required documents were not filed within the time provided (D.I. 7);

WHEREAS, on June 2, 2005, this Court received the plaintiff's letter motion for reconsideration asking the Court reopen his case, and requesting that the Court appoint him counsel (D.I. 14);

WHEREAS, a pro se litigant proceeding in forma pauperis, has no constitutional or statutory right to appointed counsel, see Ray Robinson, 640 F.2d 474, 477 (3d Cir. 1981);

WHEREAS, it is within this Court's discretion, however, to seek representation by counsel for plaintiff, but this effort is made only "upon a showing of special circumstances indicating the likelihood of substantial prejudice to [plaintiff] resulting from [plaintiff's] probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case[,]” Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir. 1984); accord Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993) (representation by counsel may be appropriate under certain circumstances, after a finding that a plaintiff's claim has arguable merit in fact and law);

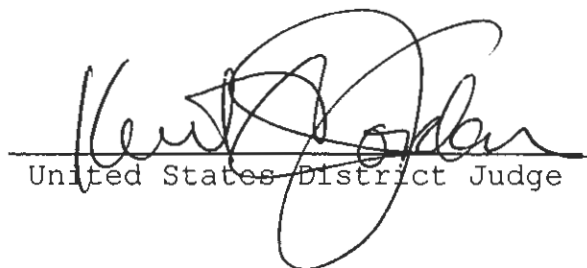
WHEREAS, having reviewed the plaintiff's complaint, the Court finds that his allegations are not of such a complex nature that representation by counsel is warranted at this time;

THEREFORE, at Wilmington this 5th day of

July, 2005, IT IS ORDERED that:

1. The plaintiff's motion for reconsideration is GRANTED. The plaintiff shall file **the attached authorization** within thirty (30) days from the date this order is sent. If the plaintiff fails to file the authorization in the time provided, the Court shall dismiss the action without prejudice.

2. The plaintiff's motion for appointment of counsel is denied without prejudice to his opportunity to renew such motion if later warranted.



United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PEDRO A. RODRIGUEZ,)	
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Plaintiff,)	
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v.)	Civ. No. 04-958-KAJ
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FCM OR FIRST CORRECTIONAL)	
MEDICAL, and THE DELAWARE)	
DEPT. OF CORRECTIONS,)	
)	
Defendants.)	

AUTHORIZATION

I, Pedro A. Rodriguez, request and authorize the agency holding me in custody to disburse to the Clerk of the Court the initial partial filing fee of \$12.83 and the subsequent payments pursuant to 28 U.S.C. § 1915(b) and required by the Court's order dated October 25, 2004.

This authorization is furnished in connection with the filing of a civil action, and I understand that the filing fee for the complaint is \$150.00. I also understand that the entire filing fee may be deducted from my trust account regardless of the outcome of my civil action. This authorization shall apply to any other agency into whose custody I may be transferred.

Date: _____, 2004.

Pedro A. Rodriguez